



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

**I. ADMINISTRATIVE INFORMATION**

Completion Date of Approved Jurisdictional Determination (AJD): 7/30/2020  
 ORM Number: MVP-2008-05168-LSP  
 Associated JDs: N/A  
 Review Area Location<sup>1</sup>: State/Territory: Minnesota City: Fosston County/Parish/Borough: Polk County  
 Center Coordinates of Review Area: Latitude 47.590437 Longitude -95.772401

**II. FINDINGS**

**A. Summary:** Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A
- There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

**B. Rivers and Harbors Act of 1899 Section 10 (§ 10)<sup>2</sup>**

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	N/A.	N/A.

**C. Clean Water Act Section 404**

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): <sup>3</sup>			
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A.	N/A.	N/A.	N/A.

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
N/A.	N/A.	N/A.	N/A.

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):			
(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination
N/A.	N/A.	N/A.	N/A.

Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
N/A.	N/A.	N/A.	N/A.

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

<sup>3</sup> A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



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**D. Excluded Waters or Features**



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Wetland #1	0.20 acre(s)	(b)(1) Non-adjacent wetland.	The wetland does not abut at least one point or side of a paragraph (a)(1)-(3) water. Based on the United States Geologic Survey and elevation contours the wetland would not be flooded by an (a)(1)-(3) water in a typical year. There is not a natural berm, bank, dune, or similar natural feature physically separating the wetland from a paragraph (a)(1)-(3) water. They are not physically separated from a paragraph (a)(1)-(3) by an artificial dike, barrier, or similar artificial structure. The only outlet from the wetland is through overland sheet flow. Therefore, this wetland do not fall under Corps jurisdiction under the NWPR.
Wetland #2	1.07 acre(s)	(b)(1) Non-adjacent wetland.	The wetland does not abut at least one point or side of a paragraph (a)(1)-(3) water. Based on the United States Geologic Survey and elevation contours the wetland would not be flooded by an (a)(1)-(3) water in a typical year. There is not a natural berm, bank, dune, or similar natural feature physically separating the wetland from a paragraph (a)(1)-(3) water. They are not physically separated from a paragraph (a)(1)-(3) by an artificial dike, barrier, or similar artificial structure. The only outlet from the wetland is through overland sheet flow. Therefore, this wetland do not fall under Corps jurisdiction under the NWPR.

<sup>4</sup> Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

<sup>5</sup> Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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Wetland #3a	1.34 acre(s)		(b)(1) Non-adjacent wetland.	The wetland does not abut at least one point or side of a paragraph (a)(1)-(3) water. Based on the United States Geologic Survey and elevation contours the wetland would not be flooded by an (a)(1)-(3) water in a typical year. There is not a natural berm, bank, dune, or similar natural feature physically separating the wetland from a paragraph (a)(1)-(3) water. They are not physically separated from a paragraph (a)(1)-(3) by an artificial dike, barrier, or similar artificial structure. The only outlet from the wetland is through overland sheet flow. Therefore, this wetland do not fall under Corps jurisdiction under the NWPR.
Wetland #3b	0.18	acre(s)	(b)(1) Non-adjacent wetland.	The wetland does not abut at least one point or side of a paragraph (a)(1)-(3) water. Based on the United States Geologic Survey and elevation contours the wetland would not be flooded by an (a)(1)-(3) water in a typical year. There is not a natural berm, bank, dune, or similar natural feature physically separating the wetland from a paragraph (a)(1)-(3) water. They are not physically separated from a paragraph (a)(1)-(3) by an artificial dike, barrier, or similar artificial structure. The only outlet from the wetland is through overland sheet flow. Therefore, this wetland do not fall under Corps jurisdiction under the NWPR.

**III. SUPPORTING INFORMATION**

**A. Select/enter all resources** that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

Information submitted by, or on behalf of, the applicant/consultant: [Maps and delineation report "Fosston Municipal Airport - Anderson Field Wetland Delineation"](#) dated 10 July 2019. Maps also submitted in support of the delineation report.

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).

Photographs: [Aerial: Information submitted with maps of delineated wetlands and included with delineation report.](#)



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- Corps site visit(s) conducted on: [Date\(s\)](#).
- Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\)](#).
- Antecedent Precipitation Tool: [\*provide detailed discussion in Section III.B.\*](#)
- USDA NRCS Soil Survey: [Title\(s\) and/or date\(s\)](#).
- USFWS NWI maps: [Title\(s\) and/or date\(s\)](#).
- USGS topographic maps: [Title\(s\) and/or date\(s\)](#).

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">N/A.</a>
<a href="#">USDA Sources</a>	<a href="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">USACE Sources</a>	<a href="#">N/A.</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">N/A.</a>
<a href="#">Other Sources</a>	<a href="#">N/A.</a>

**B. Typical year assessment(s):** [N/A](#)

**C. Additional comments to support AJD:** [The wetlands identified in the Section 404 application for this project are not jurisdictional because they do not have a direct surface connection to a navigable water nor are they subject to inundation from a navigable water.](#)